

# NEW JERSEY MILITIA NEWSLETTER

Volume IX, Issue No. 4

October 2003

*All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.*

-- Article 1, Section 1, New Jersey State Constitution

## Impact of Gun Control Laws Questioned

ATLANTA - A sweeping federal review of the nation's gun control laws -- including mandatory waiting periods and bans on certain weapons -- found no proof such measures reduce firearm violence.

The review was conducted by a task force of scientists appointed by the Centers for Disease Control and Prevention.

The task force reviewed 51 published studies about the effectiveness of eight types of gun-control laws passed since the 1970s. The laws included bans on specific firearms or ammunition, measures barring felons from buying guns, and mandatory waiting periods and firearm registration.

In every case, a CDC task force found "insufficient evidence to determine effectiveness."

Gun-control advocates quickly called on the government to fund better research.

A spokesman for the Brady Campaign to Prevent Gun Violence said the laws work, but it is nearly impossible to prove it because people can buy guns in one state and carry them into one of the handful of states with strong antigun measures.

"It's hard to study whether gun control laws work in this country because we have so few of them," said Peter Hamm. "Talking about studying gun control in this country is like talking about studying democracy in Iraq."

The National Rifle Association said it needed more time to review the report.

Firearms injuries were the second leading cause of injury deaths, killing 28,663 people in 2000, the most

recent year for which data was available. About 58 percent of the deaths were suicides. Gun accidents claimed about 775 lives that year. [Too bad they didn't include the number of justifiable homicides resulting from killings of criminals by police and citizens - Ed.] About the only conclusion the task force could draw was that mandatory waiting periods reduced gun suicides in people over 55. But even that reduction was not big enough to significantly affect gun suicides for the overall population.

The task force complained that many of the studies were inconsistent, too narrow, or poorly done.

"When we say we don't know the effect of a law, we don't mean it has no effect. We mean we don't know," said Dr. Jonathan Fielding, chairman of the CDC task force. "We are calling for additional high-quality studies."

Among the problems:

-- Studies on firearm bans and ammunition bans were inconsistent. Some showed the bans decreased violence; others found the bans actually increased violence. Many firearm bans grant exemptions to people who already owned the weapons, making it hard to tell how well a ban worked. Other evidence showed that firearms sales go up right before bans take effect.

-- Studies on background checks were also inconsistent, with some showing decreased firearm injuries and others showing increased injuries. A major problem with those studies, the report said, was that "denial of an application does not always stop applicants from acquiring firearms through other means."

-- Only four studies examined the effectiveness of firearm registration

on violent outcomes, and all of the findings were again inconsistent.

-- Too few studies have been done on child-access gun laws to gauge their effectiveness.

The CDC, a federal agency within the Department of Health and Human Services, is prohibited from using funds to promote gun control. HHS, however, is determined to reduce the rate of firearms-related deaths by about two-thirds by 2010.

There are an estimated 200 million privately held rifles, handguns and other firearms in the United States, which guarantees the right to bear arms in its constitution.

Approximately 4.5 million new firearms, including two million handguns, are sold each year in the nation. Secondhand firearms account for an additional 2 million to 4.5 million transactions annually. -- AP and Reuters, Oct. 3, 2003

## 14 Signposts to Slavery

In 1972 a wonderful little book was published. It arrived with little fanfare yet somehow it has managed to survive for 25 years.

Most people have never read it. These are the same people who today are asking questions about what went wrong with America. These same people find that their plans for the future, no matter how hard they have worked to make those plans a reality, have vanished into thin air. These are the same people who are working 3 jobs to provide what one job did 20 years ago.....These people are you and I, the working middle class, the "We the People."

The book is titled "None Dare Call It Conspiracy," and was authored by Gary Allen with Larry Abraham. It

was considered very controversial 25 years ago. In retrospect it appears to have been a blueprint for the future of America. That America is perhaps where we are all living today.

If you doubt the possibility of a conspiracy to bring America to its knees and perhaps install a totalitarian dictatorship through the conversion of our republic into a democracy you need only look to the changes in our laws.

Gary Allen provided his readers with fourteen signposts on the road to totalitarianism. They were compiled by Dr. Warren Carroll and Mike Djordjevich, a refugee from Yugoslavian communism. The list is in no particular order. However, nothing on the list existed in American law at the time the list was compiled in 1972.

Read it now, experience it for yourself. Any one of the listed items would be a clear warning that the totalitarian state is very near, and a significant number of perhaps five or more could possibly suggest that the freedom we once enjoyed and the preservation of our Great Republic has been lost.

1. Restrictions on taking money out of the country and on the establishment or retention of a foreign bank account by an American citizen.

2. Abolition of private ownership of hand guns.

3. Detention of individuals without judicial process.

4. Requirements that private financial transactions be keyed to social security numbers or other government identification so that government records of these transactions can be fed into a computer.

5. Compulsory education laws to forbid attendance at presently existing private schools.

6. Compulsory non-military service.

7. Compulsory psychological treatment for non-government workers or public school children.

8. An official declaration that anti-communist (Patriot) organizations are subversive and subsequent legal action taken to suppress them.

9. Laws limiting the number of people allowed to meet in a private home.

10. Any significant change in passport regulations to make passports more difficult to obtain.

11. Wage and price controls, especially in a non-wartime situation.

12. Any kind of compulsory registration with the government of where individuals work.

13. Any attempt to restrict freedom of movement within the United States.

14. Any attempt to make a new major law by executive decree (that is, actually put into effect, not merely authorized as by existing executive orders.)

President Nixon invoked numbers 1, 11 and 14. As of January 1, 1972, banks must report to the government any deposit or withdrawal over \$5,000. That number has since been reduced to \$3,000. Any purchase over \$10,000 made in cash must also be reported to the federal government. President Clinton has done the same via Executive Orders.

Courts have in some instances ordered individuals without bank accounts to open one under threat of incarceration through charges of Civil contempt.

This government is presently attempting to end private handgun ownership through federal legislation, signpost #2.

Recent destruction of Habeas Corpus has made signpost #3 a reality. Federal banking laws have made signpost #4 the law of the land.

President Clinton's "America in Service" legislation has made signpost #6 an expected part of American behavior. Federal civil rights legislation in regard to helping young children deal with alternative life styles of adults (Suzie's two mommies/daddies) has made signpost #7 a part of the new American landscape.

Increased fees and much extended waiting times are now required to obtain a passport, signpost #10.

The EPA's trip reduction legislation, which limits an individual's right to travel freely on the highway is a perfect example of signpost #13. Road blocks or check points set up by either local or state police under the guise of searching for drugs or drunk drivers, while appearing to be in the service of society are in truth an invasion of our freedom to travel.

Well, we have seen these already -- 1 - 2 - 3 - 4 - 10 - 11 - 12 - 13 - 14

Signpost #8 is up for grabs, and 5, 6, 7 and 9 may take a little more time.

The truth speaks for itself . . . . America may be lost . . . . We may now be living under totalitarian rule. Some of us will recognize the truth. Some of us will continue to be in denial of the truth. Too few of us will fight back to regain the freedoms we have lost. The only thing you can be sure of is that this government will continue its relentless

march over whatever may be left of this once great Republic until we are all slaves on the land our fathers fought to make free.

Winston Churchill, speaking to the English people as they were about to become involved in World War II proclaimed:

"If you will not fight for right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly; you may come to the moment when you will have to fight with all odds against you and only a precarious chance of survival."

Because the American people have ignored warning after warning, we have finally come to that place in time where we are beginning to ask where our freedoms have gone. Unless we begin to take action now against unconstitutional acts on the part of our elected public servants, we will face a future choice, also described by Mr. Churchill. He said:

"There may be even a worse fate. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves."

To study the 'whys and wherefors' of our present condition, I suggest "Our Enemy, The State" <<http://www.barefootworld.net/nockoets0.html>> by Albert J. Nock - 1935, his Classic and Brilliant Critique Distinguishing 'Government' from the 'State'.

In the same vein, tracing the path of 'STATE' from tyranny to freedom and back again to tyranny, I suggest "The Law" <[http://www.barefootworld.net/the\\_law.html](http://www.barefootworld.net/the_law.html)> by Frederick Bastiat -1850, another much ignored classic expose of all socialist tendencies in the functioning of government. -- Copyright by Barefoot, April 1997

<http://www.barefootworld.net/14signs.html>

## Ashcroft Takes Charge of ATF

By Michael L. Betsch

U.S. Attorney General John Ashcroft now has authority over the firearms issues previously managed by the Bureau of Alcohol, Tobacco and Firearms. (The agency was renamed the Bureau of Alcohol, Tobacco, Firearms and Explosives on Jan. 24, 2003.)

Since its inception over 200 years ago, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has been responsible for regulating and collecting revenue for the U.S. Department of the Treasury.

However when President Bush signed the Homeland Security Bill, creating a new government agency to combat terrorism, it stipulated that the ATF would be split into two separate entities in 2003.

All ATF issues pertaining to firearms are now assigned to the Department of Justice (DOJ) while those concerning alcohol and tobacco tax and trade remained under the auspices of the Alcohol and Tobacco Tax and Trade Bureau (ATTTB) within the Treasury Department.

The ATTTB will continue to operate within Treasury in nearly the same revenue enforcement role it has maintained since it collected the first excise tax on distilled spirits in 1791.

ATF officials recently assured the agency's 4,700 special agents, inspectors, regulatory specialists, forensic auditors and laboratory technicians that their day-to-day activities will remain unchanged under the DOJ.

Gun control advocates fear that placing Ashcroft in charge of ATF will be detrimental to their efforts. Leah Barrett, executive director of Marylanders Against Handgun Abuse, accused Ashcroft of being "unabashedly the NRA's (National Rifle Association) poster boy."

Desmond Riley, a spokesman for The Coalition to Stop Gun Violence (CSGV) complained about Ashcroft's interpretation of the Second Amendment.

"He doesn't agree with our view on gun control laws," Riley said. "He has his 'individual rights' interpretation of the Second Amendment."

Riley was referring to the May 17, 2001 letter from Ashcroft to NRA Executive Director James Jay Baker in which Ashcroft wrote, "[L]et me state unequivocally...the Second Amendment clearly protect(s) the right of individuals to keep and bear firearms."

"I think it's a weird position for him to be in where he says there's an individual right, yet he's also going to have to defend existing gun control laws, including bans on handguns," Riley said. "We wonder how vigorously he will enforce them."

Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, cautioned "every American who believes in our constitutional form of government" to keep a close eye on the evolving agency.

"From a practical standpoint, I

can understand the consolidation of criminal enforcement functions within the Justice Department," Waldron said. "On the other hand, by creating this super law enforcement function -- this consolidated function -- you're opening the door to the potential for abuse."

Waldron said Americans should remain watchful of Ashcroft in his oversight of the reorganized ATF.

"In the past, we Americans have prided ourselves in something that has made us different from the Europeans, among others, is we have no such thing as a national police force," Waldron said. "With the advent of the Department of Homeland Security and with the proposed expansion of government power to both detain people and to conduct searches under the USA Patriot Act...the civil libertarian in me has concerns."

--CNSNews.com, Feb. 4, 2003

### "Reading while bearded"

By Vin Suprynowicz

Critics warned the expanded police powers authorized by the so-called Patriot Act -- ratified just weeks after the terror attacks of Sept. 11 -- would soon be used by opportunistic cops and prosecutors in areas far afield from any threat of al-Qaida-style terrorism.

Nonsense, supporters replied. New government powers to read every e-mail passing through an Internet Service Provider; to conduct roving wiretaps without informing their victims; to snoop on our book buying and library borrowing habits; to secretly rake through our private financial data; to "enhance" criminal sentences till they stretch for decades ... would be used only when necessary to prevent for "another Sept. 11."

Guess what.

"Within six months of passing the Patriot Act, the Justice Department was conducting seminars on how to stretch the new wiretapping provisions to extend them beyond terror cases," reports Dan Dodson, a spokesman for the National Association of Criminal Defense Attorneys. "They say they want the Patriot Act to fight terrorism; then, within six months, they are teaching their people how to use it on ordinary citizens."

Well ... so what? If some moron in California finds himself charged with "terrorism using a weapon of mass destruction" when he wounds himself because his pipe bomb

exploded in his lap, if a North Carolina prosecutor charges the proprietor of a methamphetamine lab with breaking a new state law against "manufacture of chemical weapons," hoping to send him up for 12 years to life instead of the standard six months ... they're all criminals, right? Who should shed a tear if the authorities now have new tools to use against them?

Except that:

- In the June 27 edition of *The Nation*, Jonah Engle reports, "Speaking at a conference this winter on Internet crime, eBay.com's director of law enforcement and compliance, Joseph Sullivan, offered law-enforcement officials extensive access to personal customer information," all, Mr. Sullivan helpfully offered, "without having to produce a court order."

Why this sudden spirit of cooperation?

"September 11th changed things dramatically," Nimrod Kozlovski of Yale's Information Society Project told *The Nation*. "EBay has itself felt the sting of tough new laws: On March 28 its PayPal unit was charged by the Justice Department with violating the Patriot Act for providing money transfer services to gambling companies. ... In this political climate, being pliant to law enforcement may be sound business."

- In a July 17 article in Atlanta's alternative newsweekly *Creative Loafing*, Marc Schultz, a bearded young journalism student in Atlanta, describes being visited and interviewed by FBI agents who were tipped off by an anonymous snitch that he'd been seen reading a suspicious newspaper article while waiting in line at a local coffee house.

Schultz described the piece he was seen reading as "this scathing screed focusing on the way corporate interests have poisoned the country's media ... really infuriating, deadly accurate stuff about American journalism post-9-11."

The editors of the alternative weekly identified the crime for which Mr. Schultz was investigated by the FBI as "reading while bearded."

- David Socha, a 17-year-old on his way to Hawaii, was arrested in July at Logan Airport in Boston and charged with a felony for having a note in his gym bag which read: "(Expletive) you. Stay the (expletive) out of my bag you (expletive) sucker. Have you found a (expletive) bomb yet? No, just clothes. Am I right? Yea, so (expletive) you."

No, the young man's outrage

*In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. – Mark Twain*

over the suspension of his Fourth Amendment rights was not particularly prudent -- though I'm glad to see some of the spirit of John and Samuel Adams survives.

But should he really have been arrested and charged with "making a terrorist threat"? What threat? And what has happened to our First Amendment rights? Young Mr. Socha's protected political statement was zipped inside his own luggage.

- The President's Commission on the U.S. Postal Service is even urging the Postal Service to create "smart stamps," to track the identity of people sending mail.

"USPS already offers mail-tracking services to corporate customers," reports Alorie Gilbert of CNET News.com. "The (Commission) proposes a broad expansion of the concept to all mail for national security purposes."

"We have a long history in this country of anonymous political speech," comments Ari Schwartz, associate director of the Center for Democracy and Technology. Any change that removes anonymity from the public mail system is "making a major change to political discourse in this country," he said.

Only impacting criminals?

And they're not done. President Bush last week endorsed a proposal by Rep. Tom Feeney, R-Fla., which would allow the Justice Department to expand the use of "administrative subpoenas," gathering up books, papers, documents and electronic data, free of frustrating judicial supervision or the need to make a case before any grand jury -- whereupon the subjects of such subpoenas would be barred from telling anyone but their own lawyers about them ... guaranteeing we won't even know how much of this is going on.

The administration also wants to remove the right to be freed on bond of those accused -- not convicted, mind you, merely accused -- of anything the government calls "terrorism."

And when are these "temporary" suspensions of our rights likely to end? No one will say.

-- Vin Suprynowicz is assistant editorial page editor of the Las Vegas *Review-Journal* and author of the books *Send in the Waco Killers* and *The Ballad of Carl Drega*. His Web site is <http://www.privacyalert.us>.

## Can Jersey be far behind??

COLUMBIA, Mo. (AP) Missouri became the 45th state to authorize

concealed guns in some way. -- Oct. 10, 2003

Ed.: Folks, don't take our question seriously.

## From the horse's mouth

The American State has taken on a vast mass of new duties and responsibilities; it has spread out its powers until they penetrate to every act of the citizen, however secret; it has begun to throw around its operations the high dignity and impeccability of a state religion; its agents become a separate and superior caste, with authority to bind and loose, and their thumbs in every pot. But the state still remains, as it was in the beginning, the common enemy of all well-disposed, industrious, and decent men. -- H.L. Mencken in *The American Mercury*, 1926

\* \* \*

Every child in America entering school at the age of five is insane because he comes to school with certain allegiances toward our Founding Fathers, toward his parents, toward a belief in a supernatural being, towards the sovereignty of this nation as a separate entity... It's up to you teachers to make all of these sick children well by creating the international children of the future. -- Chester M. Pierce, addressing teachers at the Association for Childhood Education International in Denver, Colorado, 1973

\* \* \*

The world is growing together through commerce, through globalization, through the spread of democratic institutions, through immigration to America. It is becoming more and more one world of many different kinds of people ... And whether our constitution fits into the governing documents of other nations, I think, will be a challenge for the next generation. -- Supreme Court Justice Steven Breyer, *WorldNet Daily*, July 7, 2003

## Islam and Christianity

Prophet make war on the unbelievers and the hypocrites and deal rigorously with them. Hell shall be their home: an evil fate. (Koran, Sura 9:73)-- The true believers fight for the cause of God, but the infidels fight for the devil. Fight then against the friends of Satan (Koran, Sura 4:76)

\* \* \*

Islam is a religion in which God requires you to send your son to die for him. Christianity is a faith where God sent his Son to die for you. -- Attorney General John Ashcroft, interview on Cal Thomas radio, November 2001

## "Dr. Phil" Fudges Facts

The National Rifle Association has caught Phillip McGraw, the TV psychologist who dubs himself "Dr. Phil" in an anti-gun lie.

According to the NRA magazine *America's 1st Freedom* McGraw clucked as he had young boys play with toy guns on his program.

"There are five children a day killed with guns through either accidents or suicides," McGraw claimed.

That would be more than 1,800 a year. In reality the federal Centers for Disease Control and Prevention reports only 86 accidental deaths and 110 suicides involving firearms in children 14 and under in 2000.

## "Compromise"

By Larken Rose

Dick Simkanin, who was indicted recently for failure to withhold taxes from his employees, just did a plea bargain with the DOJ. Basically, the DOJ told Mr. Simkanin, "either we will try to have you put in a cage for many years, or you will sign this thing saying you knew you were wrong." I got a message on my answering machine from David Cay Johnston (writer for the *New York Times*) asking if I had any comment about the fact that Mr. Simkanin signed a thing saying he knew he really should have been collecting withholding taxes from his employees' paychecks, and knew it all along. Of course, signing such a statement is part of the plea bargain which Mr. Simkanin agreed to.

As luck would have it, last night I watched "Braveheart" again. Without ruining it for anyone who hasn't seen it, the hero is put in a situation where he will be horribly tortured unless he "swears allegiance" to the crown and begs for mercy. If he chose to do so (and you'll have to watch it to see if he does), would anyone with a brain think that is proof that he really felt a deep allegiance to the king? Of course not. And today, can anyone with a brain think that, given the choice between possibly being put in a CAGE for many years, and "confessing" that he was wrong, Mr. Simkanin's choice is really proof that he never really believed in what he was doing? Only tyrants and *New York Times* reporters would claim such a thing.

I can say something that Mr. Simkanin cannot (without risking contempt of court): Mr. Simkanin FALSELY swore that he knows that the "conventional wisdom" about employers' duty to withhold payroll taxes from paychecks is correct. He doesn't



believe that. He knows damn well it's a fraud. He plea bargained to avoid "torture" at the hands of the federal tyrants. It's that simple, though Mr. Simkanin or his attorneys may take offense at me saying this (or at least they might have to pretend to take offense).

So what does the plea bargain mean, in the big picture? Ultimately, nothing. The feds will have a party over their newest trophy, and the *New York Times* (and the other sheep media) will have a field day with "we got one of those evil tax protesters!" But in the long run, it will do NOTHING to stop the spread of the truth.

I wish Mr. Simkanin all the best, and I hope he is able to live now with minimal further terrorism by the feds. He certainly did his part in resisting the fraud, and now he has to choose a different path. I do not criticize him for that, and I would encourage the rest of you to see if YOUR actions show the courage that Mr. Simkanin has shown, before thinking less of him for this apparent "compromise." If everyone had the guts of Mr. Simkanin, the income tax fraud would be finished.

-- [larken@taxableincome.net](mailto:larken@taxableincome.net)

### **"No Compromise"**

By Jon Roland

I must respectfully disagree with Larken Rose [see preceding article -Ed.] in choosing not to criticize Simkanin for his plea bargain. As citizens of the United States, we have an unalienable duty to defend the Constitution, regardless of personal consequences, to ourselves or others. To do anything less is betrayal of that duty, and inexcusable.

It is important to keep in mind what is important. The lives and welfare of individuals don't matter, in the long term. What does matter is what our lives stood for, and the principles represented by the Constitution are more important than the lives of every human being on Earth, individually and collectively, if the choice comes to that. Yes, it would be tragic if, to defend the Constitution, the human species became extinct, but to uphold the principle, to stand for what is right, even that would not be too high a price to pay.

Now some would argue that in a war one sometimes has to make tactical retreats to preserve one's ability to win larger battles on other occasions. That is a valid point, so let us examine the Simkanin case to see if his plea bargain can be justified as such a tactical retreat. I can find no such justification. His ability to carry on the

fight has ended by this, and he has grievously harmed the cause of the Constitution. I do not see how he has preserved any ability to win a larger battle on another occasion.

But some will argue, "It's not just me. They're threatening my family, my friends, my neighbors. I have to yield to protect them." Nonsense. If they want to harm innocent third parties to get your submission, and that is within their physical power, then of course, it is also their decision, and only their decision, and don't let yourself believe it is your decision, or let them make it your decision. In a war there are unfortunate casualties. And this is a war, make no mistake about it. They are not even trying to justify their actions as lawful anymore.

We should read this case like the surrender, in George Orwell's *1984*, of Winston Smith to the Party, represented by O'Brien, to confess that "two plus two make five". That is essentially what that plea bargain represents: a denial of logic itself. That is the aim of tyranny, to make us deny even the laws of logic, and yield to power.

I urge all loyal Americans and citizens of the world to make no compromises with power, other than brief, tactical ones followed by a resounding comeback, to uphold the principles represented by the Constitution, and to treat all violators of it as enemies of the people, perhaps powerful and organized, but nonetheless criminals and pirates, to be arrested and prosecuted if possible, and defended against if necessary.

You can begin by rejecting in every public forum the corrupt doctrine that the law is whatever judges say it is. The law is what is logically authorized by the Constitution, the supreme law whose authority derives not from contemporary acquiescence, but from a historic act of ratification. It means what its Framers and Ratifiers intended it to mean, not what someone masquerading as an "official" declares it to mean, no matter what that "official" might threaten anyone with.

"No one is truly free who has not first said goodbye to life."

-- [jon.roland@constitution.org](mailto:jon.roland@constitution.org),  
<http://www.constitution.org>

### **IRS Makes Chilling Proclamation**

During a press conference, an IRS official by the name of Terry Lemons made the following proclamation in response to a question by David Cay Johnston of the *NY*

*Times*: Why won't the IRS answer the questions in the petitions from We the People Foundation about the Internal Revenue code?

According to Johnston, Lemons said the government is answering the petitions of the Web the People Foundation through "enforcement actions."

The government will not answer legitimate petitions for redress of grievance under the First Amendment but instead will use brute force which is exactly what the IRS' "enforcement actions" amount to every day of the week.

### **Judicial Activism Goes Global**

WASHINGTON—Justices have started to cite foreign sources to justify the way they rule at home, oftentimes looking toward liberal courts no matter how preposterous the connection to the cases being heard at home, said retired Judge Robert Bork.

Bork, whose third book, *Coercing Virtue: The Worldwide View of Judges*, said judicial activism has been growing and evolving in the United States since the 1960s, and is, in fact, going global.

In turn, activism in courts abroad is influencing decisions among judges throughout the legal system at home.

The liberal elite, or "New Class," as he terms it, will stop at nothing to impose its moral and legal framework on the rest of society, and is using foreign courts, multinational treaties and international law to achieve it, he said.

"The internationalization of law, I think, is a most interesting and alarming topic," Bork said. "It is farther along than you think."

In his book, Bork details examples, including Supreme Court Justice Stephen Breyer's references to the "useful decisions" by the Privy Council of Jamaica, the Supreme Court of India and the Supreme Court of Zimbabwe for a 1999 case involving allowable delays of executions.

In 1989, Justice William Brennan cited the rejection of capital punishment "throughout the world" in his dissent in a case upholding the execution of man whose crime was committed when he was a minor.

"International law becomes one more weapon in our domestic culture war," Bork said.

"I don't see that as a problem at all," said Anthony Arend, professor of law at Georgetown University, who added that the knowledge of legal

precedent abroad helps judges making difficult decisions.

"I see them using [foreign law] to inform their judgment and broaden the context of how an issue is being played out," Arend said.

"It is not as big of a problem as [Bork] states it," but "it is certainly something to be careful about, and there's no question among the left that there is a tendency to internationalize these issues," said Roger Pilon, vice president of legal affairs at the Cato Institute.

Bork, a former U.S. solicitor general and U.S. Court of Appeals judge picked by President Reagan for the Supreme Court, saw his nomination defeated in 1987 by Democratic senators and special interests groups who lobbied heavily against him. The organized effort to send the judge packing led to his name being used as a verb to describe concerted attacks on judicial nominees.

In his first two tomes, *The Tempting of America* and *Slouching Towards Gomorrah: Modern Liberalism and American Decline*, Bork lays out his argument against judicial activism, which he describes as legislating from the bench on issues that would not pass muster at the ballot box, even when the decisions "cannot plausibly be connected to the law [justices are] citing."

In *Coercing Virtue*, Bork writes that the New Class uses international laws and organizations —like the International Criminal Court or the European Convention for Protection of Human Rights and Fundamental Freedoms —to make their cases against U.S. policy at home and abroad.

The New Class is not limited to liberals in the United States. Bork cites criticism of the war in Iraq by members of the United Nations who argued the war violates international law and human rights codes as a perfect example of the internationalization of the New Class.

Arend said Bork clearly does not understand international diplomacy.

"Ninety percent of international law is non-controversial and really is the

fabric on which international relations takes place," he said. "My general view is we have agreed to a system of rules and norms that are there to promote predictability and regularity of behavior, and in my view they are in our best interest."

"Our State Department follows it, our military abroad follows it. It's not necessarily interesting, it's not controversial," he said.

Arend added that even when the United States has been condemned by those who refer to international law, Congress is not bound by those rules and international law would never trump the Constitution.

But Bork said that misdirected constitutional interpretations, frequently impacted by foreign case studies, have real impact on the culture in America, resulting in the protection of everything from obscenity to abortion and the prohibition of everything from prayer in the classroom to all-male military academies.

"What judges have wrought is a coup d'etat — slow moving and genteel, but a coup d'etat nonetheless," he writes in *Coercing Virtue*. "Courts inevitably assume the role of moral teachers."

Derek E. Brown, a Washington attorney practicing constitutional law, said "people can view it as alarmism," but he believes Bork is revealing a very real extension of the domestic culture war on a worldwide front.

"It's a very legitimate view. It doesn't matter what other countries are doing, what matters is what is established in our laws," he said.

Bork said until the Senate is more densely populated with Republicans able to appoint judges who favor strict interpretations of the law and the Constitution, the trend toward global judicial activism will continue on its current trajectory.

"I don't see any present prospect of stopping what is taking place," he said. -- foxnews, September 11, 2003

## Concerning "the fulfillment of repressed castration fantasies"

Richard Poe's *The Seven Myths of Gun Control* has just been released in paperback.

Did you know that your "smart gun" can serve as a homing beacon to track your movements from afar? That an assailant can disable your smart gun with an electromagnetic pulse generator? You would have known, had you read *The Seven Myths of Gun Control*.

Poe goes beyond the usual academic disputes by breaking taboos and braving forbidden ground. Poe confronts the racial aspect of gun crime head on - noting that blacks in America commit murder at eight times the rate of whites. He dissects the Rosie O'Donnell Syndrome, sketching a psychiatric profile of leading anti-gun crusaders - many of whom are angry, unstable people, tormented by violent rages, irrational fears and deep resentments against mainstream society. In a section entitled "The End of Manhood," Poe shows how far-left feminists have exploited the anti-gun crusade as a means to vilify men and masculinity. For these women, guns represent male power and sexuality, while gun control symbolizes the fulfillment of repressed castration fantasies.

Poe unveils the ideological origins of the anti-gun movement among Marxist radicals who seek to disarm the middle class in order to unleash crime and chaos, break down the "bourgeois" order and sow the seeds of revolutionary upheaval.

*The Seven Myths of Gun Control* demonstrates that the struggle for gun rights is a battle for America's soul - one that will determine whether we will live as warriors in a free society or as serfs in the sterile, sexless, "Friendly Fascist" hive of tomorrow's corporatist world order.

-- Jews for the Preservation of Firearms Ownership, September 29, 2003

### **NJM, P.O. Box 10176, Trenton New Jersey 08650**

ISSN 1523-4657

[www.njmilitia.org](http://www.njmilitia.org)

[info@njmilitia.org](mailto:info@njmilitia.org)

[walnor@keepandbeararms.com](mailto:walnor@keepandbeararms.com)

Middlesex County, Art (732) 607-0833  
Wake Co, NC, Dave (919) 363-9410  
Morris County, Bill (973) 361-3241  
Johnson County, TX, Earl (817) 866-3288

### **Newsletter Subscription - Donation \$10.00**

Cash or Blank Money Order Only

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_ E-mail \_\_\_\_\_